

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.11753 and 11754 of 2023

COMMON ORDER:

1. These Criminal Petitions are filed under Section 438 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking anticipatory bail to the petitioners/Accused Nos.1 and 2 in Crime No.109 of 2023 on the file of Women Police Station, IT Corridor, Cyberabad registered for the offence punishable under Sections 498-A, 307 of IPC and Section 4 of Dowry Prohibition Act.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. As seen from the complaint which was lodged on 25.11.2023 by defacto complainant, it is alleged that she married accused No.1 on 06.12.2019. Thereafter, her husband(accused No.1) started ill-treating her. In fact, she came to know that accused No.1 was impotent and he was a sadistic person. On 31.01.2020, accused No.1 went to the house in intoxicated condition and caught hold of the neck of the defacto complainant and banged her forcefully to the main door. Her head was injured and she started bleeding

profusely. Out of fear, she ran to Jubilee Hills Police Station where she was advised to go to a private Hospital. Several other allegations are made suggesting cruelty.

4. It appears that Section 307 of IPC has been added with respect to the incident that happened on 31.01.2020. Since there are no injuries or the details of the hospital where she has taken treatment after the incident on 31.01.2020, *prima facie* the offence under Section 307 of IPC is not attracted. However, in the event of police finding admissible evidence to make out case under Section 307 of IPC, appropriate steps may be taken. This Court is inclined to grant the relief of anticipatory bail, since the complaint is outcome of differences between spouses, subject to the following conditions:

- 1) The petitioners/Accused Nos.1 and 2 are directed to surrender before the Station House Officer, Police-WPS IT Corridor, Cyberabad, on or before 08.12.2023. Upon such surrender, the said Station House Officer shall release the petitioners/Accused Nos.1 and 2 on bail, on their executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for a like sum each to their satisfaction.
- 2) On such release, the petitioners/Accused Nos.1 and 2 shall appear before the concerned police concerned Station House Officer on every Monday between 10.30am and

1.00pm, for a period of eight (08) weeks and thereafter, as and when required, for the purpose of investigation.

- 3) The petitioners/Accused No.1 and 2 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

5. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date : 01.12.2023
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K.SURENDER, J

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Dt.01.12.2023

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